

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NASSIR WHITE

v.

DEBRA SAUERS, et al

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CIVIL ACTION

NO. 11-7831

ORDER

AND NOW, this 11th day of March, 2013, upon consideration of the Petition for Writ of Habeas Corpus (Document No. 1), the Respondents' Answer to Petition for Writ of Habeas Corpus (Document No. 19), the Report and Recommendation filed by United States Magistrate Judge David R. Strawbridge (Document No. 20), the petitioner's Objection to the Report and Recommendation (Document No. 22), and after a thorough and independent review of the record, it is **ORDERED** that:

1. The petitioner's objection is **OVERRULED**;
2. The Report and Recommendation of Magistrate Judge Strawbridge is **APPROVED** and **ADOPTED**;
3. The Petition for Writ of Habeas Corpus is **DENIED**¹; and,
4. There is no probable cause to issue a certificate of appealability.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.

¹ The petitioner concedes that he did not raise the three grounds which he asserts in his habeas petition at the state court level. Accordingly, the magistrate judge correctly concluded that the claims were procedurally defaulted.

Petitioner, in his objection to the report and recommendation, argues that he can raise the ineffectiveness of his PCRA counsel under *Martinez v. Ryan*, 132 S.Ct. 1309, 1318 (2012). However, as the magistrate judge correctly concluded, petitioner has not demonstrated that any of his claims of ineffectiveness had sufficient merit to satisfy the *Martinez* test.